

Notice of Rulemaking Hearing

Tennessee Department of Environment and Conservation Division of Solid Waste Management

There will be a hearing before the Tennessee Department of Environment and Conservation to consider the promulgation of amendments of rules on behalf of the Tennessee Solid Waste Disposal Control Board pursuant to T.C.A. §§ 68-203-103(a)(1), 68-203-103(b)(3), 68-211-107(a), and 68-211-111(d)(2). The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4 - 5 - 204 and will take place at the following location, time, and date:

| Location | Time | Date |
|--|---------------|------------------|
| 5 th Floor Large Conference Room L & C Tower 401 Church Street Nashville, TN | 1:00 p.m. CDT | October 26, 2005 |

Individuals with disabilities who wish to participate in these proceedings (or review these filings) should contact the Tennessee Department of Environment and Conservation to discuss any auxiliary aids or services needed to facilitate such participation. Such contact may be in person, by writing, telephone, or other means and should be made no less than ten (10) days prior to the scheduled hearing date or date such party intends to review such filings, to allow time to provide such aid or services. Contact the ADA Coordinator at 1-866-253-5827 for further information. Hearing impaired callers may use the Tennessee Relay Service (1-800-848-0298).

For a copy of the entire text of this notice of rulemaking hearing or for directions to the hearing location, contact: Greg Luke, Division of Solid Waste Management, Tennessee Department of Environment and Conservation, 5th Floor, L & C Tower, 401 Church Street, Nashville, TN 37243-1535, 615-532-0874, FAX 615-532-0886. Oral or written comments are invited at the hearing. In addition, written comments may be submitted to Greg Luke prior to or following the public hearing. However, such written comments must be received in the Division's Central Office by 4:30 p.m. CST, November 9, 2005 in order to assure consideration. The "DRAFT" rules may also be accessed for review at the Department's World Wide Web Site located at "<http://www.state.tn.us/environment/swm/swmppo/>".

The Division of Solid Waste Management has prepared an initial draft rule for public review and comment. Copies of this initial draft rule are available for review in the Public Access Areas of the following Departmental Environmental Assistance Centers:

Memphis Environmental Assistance Center
Suite E- 645, Perimeter Office Park
2510 Mount Moriah Road
Memphis, TN 38115-1520
901-368-7939/1-888-891-8332

Chattanooga Environmental Assistance Center
State Office Building, Suite 550
540 McCallie Avenue
Chattanooga, TN 37402-2013
423-634-5745/1-888-891-8332

Knoxville Environmental Assistance Center
State Plaza, Suite 220
2700 Middlebrook Pike
Knoxville, TN 37921-5602
865-594-6035/1-888-891-8332

Nashville Environmental Assistance Center
711 R. S. Gass Blvd
Nashville, TN 37243
615-687-7000/1-888-891-8332

Johnson City Environmental Assistance Center
2305 Silverdale Road
Johnson City, TN 37601-2162
423-854-5400/1-888-891-8332

Jackson Environmental Assistance Center
362 Carriage House Drive
Jackson, TN 38305-2222
731-512-1300/1-888-891-8332

Cookeville Environmental Assistance Center
1221 South Willow Avenue
Cookeville, TN 38501
931-432-4015/1-888-891-8332

Columbia Environmental Assistance Center
2484 Park Plus Drive
Columbia, TN 38401
931-380-3371/1-888-891-8332

Additional review copies only are available at the following library locations:

E. G. Fisher Public Library
1289 Ingleside Avenue
Athens, TN 37303
423-745-7782

Clarksville-Montgomery Cty. Public Library
350 Pageant Lane, Suite 501
Clarksville, TN 37040-0005
931-648-8826

Hardin County Library
1365 Pickwick St. S.
Savannah, TN 38372
731-925-4314

Art Circle Public Library
154 East First Street
Crossville, TN 38555-4696
931-484-6790

McIver's Grant Public Library
204 North Mill Street
Dyersburg, TN 38024-4631
731-285-5032

Kingsport Public Library
400 Broad Street
Kingsport, TN 37660-4292
423-229-9489

Coffee County-Manchester Public Library
1005 Hillsboro Highway
Manchester, TN 37355-2099
931-723-5143

W. G. Rhea Public Library
400 West Washington Street
Paris, TN 38242-0456
731-642-1702

Substance of Proposed Rule

Paragraph (5) of rule 1200-1-7-.07 Fee System for Non-Hazardous Disposal and Certain Non-Hazardous Processors of Solid Waste is amended by deleting the current paragraph in its entirety and substituting the following language:

- (5) Facility Inspection Fee – Any person who has a municipal solid waste disposal facility permit or incinerator permit that received waste on January 1, 2006, or thereafter, is assessed a facility inspection fee of \$0.35 on each ton of municipal solid waste received. This fee shall be calculated in the same manner and paid at the same time as the surcharge in rule 1200-1-7-.08.

Regulatory Authority: T.C.A. §§ 68-203-103(a)(1), 68-203-103(b)(3), 68-211-107(a), and 68-211-111(d)(2).

For technical information concerning this notice of rulemaking contact: Greg Luke, Division of Solid Waste Management, Tennessee Department of Environment and Conservation, 5th Floor, L & C Tower, 401 Church Street, Nashville, TN 37243-1535, (615) 532-0874.

I certify that this is an accurate and complete representation of the intent and scope of rulemaking proposed by the Tennessee Division of Solid Waste Management.

Mike Apple
Director
Division of Solid Waste Management

Subscribed and sworn to before me this the _____ day of _____, 20_____.

Notary Public

My Commission expires of the _____ day of _____, 20_____.

The notice of rulemaking set out herein was properly filed in the Department of State on the _____ day of _____, 20_____.

Riley C. Darnell
Secretary of State

By: _____